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ABSTRACT

This workbook for delegates to the White House Conference on Families (WHCF) is intended to perform three basic functions: (1) focus attention on the themes of the WHCF; (2) provide brief background information on the issues to be discussed in the Conference workgroups; and (3) summarize recommendations for which there was consensus across most states. Four issue briefs provide background information in the areas of government and families, the media, community institutions, and law and the judicial system. The briefs are organized into four sections: Introduction, Background Information on Major Issues, Current Programs and Policies, and Recommendations from the States. State recommendations were further divided by topic and issue. Similar recommendations were grouped together and a sample of these recommendations (for purposes of illustration) have been selected and included in the workbook. (Author/MP)

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White House Conference on FAMILIES

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FAMILIES
and
MAJOR INSTITUTIONS

Delegate Workbook

BALTIMORE • MINNEAPOLIS • LOS ANGELES

CONFERENCE TOPICS AND WORKGROUPS

A. Families and Economic Well-Being

1. Economic Pressures (inflation, unemployment, poverty, economic discrimination)
2. Family and Work (work in home, increased participation in paid workforce, personnel policies, flexible schedules, leave policies, discrimination, employer support for child care, other workplace issues)
3. Tax Policies (the "marriage tax," deductions for children, tax credits, tax reform, other tax issues)
4. Income Security for Families (welfare, social security, pensions, other forms of financial assistance)
5. Status of Homemakers (recognition, tax policies, social security, employment, other issues

B. Families: Challenges and Responsibilities

6. Preparation for Marriage and Familiy Life (family life education, preparation for marriage, parenting)
7. Specific Supports for Families (two-parent families, single-parent families, extended families, military families, migrant families, other specific families, definitions)
8. Parents and Children (families with children, foster care, adoption, youth, adolescent parents, parent-child relations)
9. Family Violence (child abuse, spouse abuse, abuse of the aged)
10. Substance Abuse (alcoholism, drug abuse)
11. Aging and Families (older families, long term care, services, independence other needs and strengths)

C. Families and Human Needs

12. Education (quality, home-school relations, parental involvement, other education issues)
13. Health (cost, quality, availability, prevention, family planning, maternal and infant health, health education, abortion, mental health, other health issues)
14. Housing (cost, availability, discrimination, displacement, other housing issues)
15. Child Care (availability; affordability; quality; choices: family, community, private, publicly supported)
16. Handicapping Conditions (families with handicapped members, independence, services, other issues)

D. Families and Major Institutions

17. Government (sensitivity to families; sensitivity to racial, ethnic and cultural differences; family impact proposals; citizen participation)
18. Media (TV, movies, advertising, accountability, other media issues)
19. Community Institutions (religious organizations, community and neighborhood groups, social services, self-help groups)
20. Law and the Judicial System (family law; marriage, divorce and separation; custody; other legal issues)

FAMILIES AND MAJOR INSTITUTIONS

DELEGATE WORKBOOK

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White House Conference on FAMILIES

INTRODUCTION

This Delegate Workbook is a resource for the delegates to the White House Conference on Families. It is intended to perform three basic functions:

1) focus attention on the themes of the White House Conference on Families.

2) provide brief background information on the issues to be discussed in the Conference Workgroups.

3) summarize recommendations which were part of the state issue reports from a significant number of states.

We hope these four workbooks will help delegates focus on the challenging task of developing an "action agenda" to strengthen and support families.

These workbooks and the issues which they cover are drawn directly from the state activities and hearings of the WHCF. Unlike previous efforts of this kind, the National Advisory Committee did not pre-select the issues for the Conference, but waited until the majority of states had identified their priority topics and issues. The NAC directed that these workbooks draw their recommendation from those developed at state conferences. This meant that the books were produced under enormous time pressures and include recommendations from state reports available to us by May 5.

These workbooks are designed to be used with the Hearing Summary and the summary of State Reports which will also be made available to you. These workbooks are brief. They are not intended to be a comprehensive treatment of issues or an exhaustive listing of state recommendations. We are hopeful that these workbooks will help delegates respond to the overwhelming concerns for families voiced throughout WHCF activities.

Conference Themes

At its first meeting last July, the National Advisory Committee adopted six themes to guide the White House Conference on Families.

These are crucial starting points for the discussion of issues.

- o Family Strengths and Supports

  Families are the oldest, most fundamental human institution. Families serve as a source of strength and support for their members and our society.

- o Diversity of Families

  American families are pluralistic in nature. Our discussion of issues will reflect an understanding and respect of cultural, ethnic and regional differences as well as differences in structure and lifestyles.

- o The Changing Realities of Family Life

  American society is dynamic, constantly changing. The roles and structure of families and individual family members are growing, adapting and evolving in new and different ways.

- o The Impact of Public and Private Institutional Policies on Families

  The policies of government and major private institutions have profound effects on families. Increase a sensitivity to the needs of families is required, as well as on-going action and research on the specific nature of the impact of public and private institutional policies.

- o The Impact of Discrimination

  Many families are exposed to discrimination. This affects individual family members as well as the family unit as a whole.

- o Families with Special Needs

  Certain families have special needs and these needs often produce unique strengths. The needs of families with handicapped members, single-parent families, elderly families and many other families with special needs will be addressed during the Conference.

It is very important that these themes be part of your consideration of recommendations. They raise important questions which touch every issue area. They cannot be ignored or isolated in just one or two specific workgroups. For example, these questions might be raised in the workgroup on housing:

Family Strengths and Supports:	How can housing efforts in both the private and public sectors build upon and enhance family strengths?

Diversity:	How does the cultral and racial diversity of American families influence housing policies and programs?
Changing Realities:	What effect does the rise in divorce and single-parent families have on housing needs and programs?
Public and Private Policies:	How do public policies such as high interest rates affect housing? How successful are current housing programs in meeting family housing needs?
Discrimination:	How can we combat housing discrimination against Blacks, Hispanic, Asian and Native American families. Families headed by women? Families with children?
Special Needs:	What are the special housing needs of families with handicapped members, elderly families, low income families?

Similar questions should be asked in each workgroup. These themes cut across the boundaries of all the workgroup issues and topics. They are the philisophical pillars of the Conference.

Issue Briefs

Drawing on the concerns expressed in national hearings and state activities, the WHCF has prepared 20 Issue Briefs as background information for delegates. The 20 topics come from the most frequently mentioned concerns in the hearings and state reports. This workbook contains 4 issue briefs under the topic of Families and Major Institutions. They are:

1. Government
2. Media
3. Community Institutions
4. Law and the Judicial System

These briefs are an attempt to provide some basic data on the topic and limited information on public and private efforts in dealing with that topic. The Issue Briefs are organized into four sections:

I. Introduction
II. Background Information on Major Issues (demographic and other data)
III. Current Programs and Policies (where appropriate)
IV. Recommendations from the States.

These issue briefs attempt to provide some basic information without an overwhelming volume of material. The issues briefs are in no way intended to serve as a substitute for the expertise and insights of delegates. Rather, we hope to provide some basic facts and background information for your discussions and decisions.

In preparing these materials we received invaluable assistance from the papers delivered at the WHCF National Research Forum as well as papers prepared for the WHCF by key Federal agencies, organizations and individuals.

Recommendations

At the close of each issue brief is a summary of recommendations which received support from a significant number of states. States were to submit 10 priority topics and three recommendations for each topic. Despite WHCF guidelines, the format of the state reports varied widely and this complicated the difficult task of organizing and summarizing the recommendations. The recommendations included in this summary are from final state reports received by May 5. Some states have still to submit final reports.

The state activities for the WHCF involved well over 100,000 Americans in a unique process of listening and involvement. Fifty-five of 57 states, territories, other jurisdictions carried out WHCF activities. This performance was particularly gratifying in light of the fact that no Federal funds were available for WHCF state activities, and that guidelines for state activities were adopted less than six months before the close of state activities. These remarkable efforts are the result of hard work and extraordinary commitment by state coordinators and their committees, as well as strong support from many Governors.

In complying with WHCF guidelines, states adopted a variety of plans to involve families in the selection of both delegates and issues. Many states went beyond minimum requirements and developed elaborate listening processes and innovative delegate selection methods:

- Thirteen states held both regional hearings or forums and a statewide conference.

  Delaware
  District of Columbia
  Georgia
  Illinois
  Iowa
  Minnesota
  Missouri
  North Dakota
  Ohio
  Oregon
  South Dakota
  Virginia
  Utah

  (South Dakota, Utah and Ohio held meetings at the county level. D.C. held hearings in each ward.)

- o Seventeen states held a series of regional conferences or hearings:

  Arizona
  California
  Louisiana
  Maine
  Maryland
  Massachusetts
  Missouri
  Nevada
  New Hampshire
  New Jersey
  New York
  Pennsylvania
  Puerto Rico
  Rhode Island
  South Carolina
  Texas
  Washington

- o Sixteen states held statewide conferences:

  Alaska
  Arkansas
  Colorado
  Connecticut
  Hawaii
  Kansas
  Kentucky
  Michigan
  Nebraska
  New Mexico
  Oklahoma
  Tennessee
  West Virginia
  Wisconsin
  Wyoming
  Vermont

- o Four states combined previous efforts with a random selection process or developed a unique peer election process:

  Florida
  Idahoa
  Montana
  North Carolina

- o The five territories participated:

  Guam
  American Samoa
  Pacific Trust Territories
  Northern Marianas
  Virgin Islands

- o Two states are not participating:

  Indiana
  Alabama

In compiling this summary, state recommendations were divided by topic and issue. Similar recommendations were grouped together and a sample recommendation was selected for purposes of illustration. Recommendations from only one or two states were not included in this summary for reasons of length. However, every state recommendation is included in the resource volumes Summary of State Reports. These recommendations should serve as starting points for discussions in workgroups and topic groups.

In evaluating these recommendations, I would urge you to look for areas of potential agreement and consensus. Progress for families is most likely on issues where support crosses racial, economic, geographical and ideological lines. Likewise, I would urge you to avoid using the WHCF as a forum for resolving intense and polarizing issues which already have a momentum, passion and forum of their own. There are many issues affecting families which lack the visibility, strength and focus which the Conference could provide. It would be a shame if such issues were overlooked in a battle over more controversial and politicized proposals.

Working together, I'm convinced we can come up with concrete, specific and achievable recommendations to strengthen and support families. This Workbook is an important resource in that task.

Jim Guy Tucker
Chairperson
White House Conference
on Families

White House Conference on FAMILIES

FAMILIES AND MAJOR INSTITUTIONS

An Overview

Families in the United States have historically shared their functions with other institutions. Family homesteads were, among other things, America's first workplaces, schoolhouses, and places of worship. But since the rise of factories and cities in the 19th Century, many of the roles originally performed by families in their homes have been gradually assumed by other, external institutions.

Family relationships with these institutions are critically important to family well-being, as persons testifying at the national hearings of the White House Conference on Families repeatedly pointed out. Thus, this group of issue briefs examines family issues that are related to institutions.

Government Institutions - Every government action whether by a Federal department or a local school board affects families. The quality of these interrelationships, and the sensitivity of government to family concerns was the topics most frequently cited by participants at the national hearings. Many government actions are beneficial to families, but others just as clearly are not. One cause of this is that no unit of government has an explicit focus on family, and there is some doubt whether or not the United States even has a "family policy."

Cultural Institutions - Cultural activities are among the most significant in which families can participate. To be sure, libraries and museums provide cultural enrichment to growing numbers, but a major source of values and entertainment today are the mass media, and particularly television. Television has gained virtually unimpeded access to children, and controls over its program content -- often heavily freighted with sex and violence -- are either weak or non-existent. Thus major family issues revolve around what can be done to improve television's responsiveness to the needs of its young audiences.

Community Institutions - Based on common interests such as religion, age, or race, community institutions serve as buffers between families and the larger public institutions of society. Community institutions, which include religious organizations, community and neighborhood groups, voluntary social service organizations, and self-help groups, provide families with their most immediate source of services and support. While much of the testimony at the national hearings concerned how family problems can be eased or resolved through the aegis of community institutions, the cold statistics suggest that they are losing their influence because of increasing governmental funding and provision of social services. Thus, issues to be examined in this area include how private community institutions can be strengthened so that they can continue to play a positive and effective role in helping families.

Law and the Judicial System - The Constitution reserves to the states jurisdiction over family law and, as a result, subjects important to families -- marriage, divorce, parent-child relations, adoption -- are treated inconsistently by state courts at a time when families' use of the judicial system to settle domestic disputes is increasing, and new forms of dealing with family disputes, such as arbitration and mediation, have begun to emerge. Major issues in this topic area focus on changes in family law and how it is dealing with such issues as child custody, enforcement of child-support orders, child snatching, and the rights of children.

White House Conference on FAMILIES

FAMILIES AND MAJOR INSTITUTIONS

Issue Brief: Government and Families

I. INTRODUCTION

Of all the the topics discussed at the White House Conference on Families' national hearings, government's relationship to families was the most frequently mentioned. While some decried the involvement of government with families and others said government was not doing enough, all agreed that the actions of government today at all levels touch America's families.

Despite the many ways in which government affects families and the growing criticism of governmental insensitivity to their needs, there has been no systematic examination of the subject, and this absence of a conscious focus may be hurting families.

Too often, public policies are adopted without any real consideration of their impact on families. This lack of conscious concern has led to some policies that are directly detrimental to family well-being and some that simply ignore families.

This issue brief attempts to explore the relationship of government and families in terms of its scope and of ways in which governmental effects on families can be made more positive---from the level of government involvement to making government and its policy-makers more sensitive to families' needs. This brief will discuss, among other questions:

- How does government touch family life? In what ways does government help, hurt, or ignore families?
- To what extent does government consider the effects of its actions on families before creating laws, regulations, or programs?
- What proposals have been advanced for making government more sensitive to family concerns?
- What kinds of government involvement with families are appropriate?

- o Does the Federal government have a family policy? Should it have?

II. BACKGROUND ON MAJOR ISSUES

Government Involvement with Families

Every governmental action--from paving a local street to restructuring national tax policy--affects families. The only differences are those of degree and scope.

An inventory of the extent of government involvement at the Federal level has been undertaken by the Family Impact Seminar, a part of the Institute for Educational Leadership at George Washington University. 1/ The Seminar is composed of 24 academics and policy-makers with interests in families and public policy. Members of the Seminar examined the 1,044 Federal programs in the 1976 Catalog of Federal Domestic Assistance 2/ and found that 268 programs with obligations totalling $181 billion had proven or possible effects on family functioning or behavior. This limited analysis did not cover Federal tax policies, court decisions, the Federal government's own employment policies, policies of Federal regulatory agencies, or economic policies such as farm subsidies or monetary policies. Further, it did not analyze the much wider range of state or local government activities.

Of the 268 programs identified by the Seminar as affecting families, most--or 149--were administered outside the Department of Health, Education, and Welfare. Family-related programs were found in 16 other agencies including the Departments of Housing and Urban Development, Labor, Interior, Justice, Treasury, and Transportation 3/ and the Veterans Administration. As a general rule, the programs were not limited to the poor. 4/ Governmental effects on families are varied and often touch different families quite differently. Because of the great diversity of families in this country--racial, ethnic, and regional differences, single parent, extended, or informally adoptive--what is supportive or neutral to one family may be devastating to another. A policy may have a positive effect on a single-earner, middle-income family, but a very different effect on a two-earner, low-income family. It may penalize certain types of families; for example, military housing policies frequently do not count foster children as family members in determining priority for housing units or assigning the size of available units.

Some policies are directed toward families at only certain stages of life. For example, the social security services provided by Title XX of the Social Security Act are largely devoted to day care services for young children, although Title XX services could be made available to adult family members or the elderly.

The pluralistic context within which a family lives is also crucial. This context includes the family's racial, ethnic, religious, and cultural background, and it often defines and affects family expectations, values, attitudes, and behaviors. When policies are implemented without sensitivity to these values, they may be harmful to families. Some believe foster care and adoption services often ignore or undermine tradition within minority communities.

Informal social networks--friends, relatives, neighbors, and community organizations which provide support for families--are particularly valuable in times of family crisis. The degree to which public policies or programs recognize those resources and support rather than supplant them is an issue of policy concern. In some cases, families under stress may be served best by placing children with friends or relatives rather than in governmentally funded foster care, but these alternative arrangements are not always considered by public agencies.

Federal laws and programs may provide funding according to eligibility criteria and general guidelines, but state and local program operations often determine what actually happens to families receiving services. The interactions between service providers such as teachers, nurses, social workers, or clerks often determine how families feel about the programs, that is, whether they feel respected or patronized, involved or excluded, appreciated or ignored. The policies of local public schools, welfare agencies, hospitals, and public health clinics also directly affect families.

Sensitivity to Families

The lack of sensitivity of government to families was addressed by more participants in the national hearings than any other issue. Although many ideas have surfaced in the last few years about ways in which government could be made more sensitive to families, there are currently no formal processes by which governmental decision-making can consider the effect of policies on families. Some possible reasons include: 5/

- Our system of government is heavily based on the rights and responsibilities of individuals. The Constitution makes no mention of families. Key mediating structures such as families have been largely overlooked. Thus solutions are often devised to respond to a person as an isolated individual rather than as a family member.

- There is often a tendency to conclude that family problems are due solely to the shortcomings of families or their members, rather than to their relationships with work, government, and other institutions.

- Little of the information required to analyze the effects of government on families is easily available. Information is scattered and not organized for family-focused analysis.

- There is a widespread belief that families are private units and that government has no role and should not intervene in private affairs.

As a result government policies and programs have affected families in many unintended ways. While some programs, such as food stamps, provide obvious assistance to families, others have had unintended results. Some examples:

Taxes

- The marriage tax penalty. For example, if a man earning $20,000 a year marries a woman also earning $20,000, they will pay as a family $2,000 a year more in taxes than if they had remained single.

- Tax policies that discriminate against families of middle and lower income. (Each $750 personal exemption is worth $375 to wealthier tax-paying families but only $120-140 to families earning $10,000.)

Social Services and Welfare

- Welfare services in almost half the states that deny benefits to intact families. In these cases, assistance is reduced or unavailable to the family unless and until the father leaves home.

- Welfare services that deny benefits to a pregnant adolescent if she remains in the home of her own family.

- Services for adolescent girls who are pregnant that fail to involve family members or the child's father in the programs.

Foster Care

- Provisions that pay a stranger to care for a child, but not a blood relative. These benefits sometimes amount to more than the biological parents receive under the Aid to Families with Dependent Children program.

- Policies that could encourage family breakup and instability by paying more money the farther a child is placed from his own home. For example, far more is spent on foster care which removes children from their natural family than on supportive services or preventive programs for the natural family. Foster care gets significantly less funding than institutionalization, which removes children even farther.

- Medicaid benefits that cover children living with foster parents, but not with the biological parents. Even these payments are cut if the foster parents adopt the child.

- State policies that frequently allow the biological family only one monthly visit with their child.

- Foster care policies that may encourage a public agency to become the surrogate parent.

Health

- Medicare provisions that cover 100 days of nursing home care for a patient after hospitalization, but nothing toward the cost of home health aides even though home health care is often less expensive and more effective.

- Provisions that reimburse institutional mental health care but not home care.

- Disproportionate distribution of government funds to in-patient mental health facilities. Only half as much government funding is directed to out-patient care, which enables the patient to live with the family.

- Medicaid programs in 21 states that deny first-time mothers prenatal care even though studies show that mothers who do not receive prenatal care are three time more likely to give birth to babies with low birth weights, a condition closely linked with birth defects and nearly half of all infant deaths.

Social Security

- Provisions that reduce total benefits if a widow or widower should remarry.

- Benefits for widows, regardless of age, that are inadequate. About one-third of all aged widows and widowers live in poverty--even if they receive social security. Benefits for elderly women who have never married are generally lower than benefits for widows.

  Provisions which ignore the contributions of homemakers and mothers who do not work outside the home.

- Provisions that penalize couples where both spouses have worked (that is, if two couples have the same earnings, the couple where only one spouse worked will receive the same retirement benefits as the couple where both husband and wife worked).

III. POSSIBLE DIRECTIONS FOR FUTURE ACTION

A lack of family focus has contributed to insensitivity within government programs and policies. The question is not so much whether the United States has a family policy, but what kind. Mary Jo Bane has noted that governmental noninterference or government neutrality in effect constitutes a family policy. 5/ Sheila Kamerman and Alfred Kahn take the position that if one accepts a definition of family policy as those actions of government that by design or by chance affect families, then there is a family policy in the United States. 6/

A variety of approaches has been proposed. Several will be discussed briefly.

Get Government Out of Families

A significant number of participants expressed strong reservations about any kind of government involvement in families. They recommend that government get out of the business of dealing with families. This viewpoint fails to recognize the extent to which government is inextricably intertwined with American families. To end government's involvement with families would require, among many other steps, the end of social security, unemployment benefits, income tax deductions for children, assistance to poor families, public education, and many other programs enacted over five or more decades.

Although it does not attempt to get government out of family matters, there is a legislative proposal which would move toward this approach to family policy. This is S. 1808, the Family Protection Act of 1979, which was introduced by Senator Paul Laxalt (R-Nevada). Among other provisions the bill would:

- Prohibit Federal government involvement in child care;
- Bar Federal funding for contraceptives, treatment of venereal diseases, or abortion services to an unmarried minor without parental consent;
- Deny appropriations to the Legal Services Corporation in the areas of divorce, abortion, gay rights, and school desegregation;
- Suspend funding for textbooks that denigrate, diminish, or deny the traditional historical role differences between the sexes.

The bill would also increase the role of the Federal government and Federal spending primarily in tax policy by allowing:

- Up to a $2,500 tax deduction from a family's gross income if deposited in a bank for the children's education;

- o A tax exemption of $1,000 for the tax-paying head of a family whose household includes a dependent who is 15 years of age or older;
- o A tax exemption three times the normal exemption for adopting a child who is handicapped or otherwise hard to place;
- o A $1,500 annual deduction to set up a parental support account to care for elderly relatives.

Promoting Greater Governmental Sensitivity to Families

Some have argued that individuals should not be looked at in isolation from their families. More analysis of government's effect on families is needed; possible solutions include encouraging independent action by families and avoiding policies that limit family activities. 8/ Several approaches that attempt to meet these goals have been proposed:

Family Impact Analysis

Family impact analysis is a process for examining how governmental policies at any level affect family functioning, and how these policies affect families differently. It includes recommendations for changes in policies that are not supportive of families. It is an effective way of identifying both the self-evident and the more subtle, unsuspected ways that policies affect families. Family impact analysis could make clearer the potential positive or negative effects on families of particular policies or programs. 9/

Family impact analyses can be made at several levels and by both governmental and nongovernmental agencies. Independent family commissions, organizations of families themselves, and coalitions of community organizations could all undertake family impact analyses.

Family impact analysis has been developed and practiced by several groups around the country, most notably the Family Impact Seminar at George Washington University. Several centers around the country are currently conducting family impact analyses, and these have many common elements. The Family Study Center at the University of Minnesota has been conducting family impact analyses of a variety of state and Federal laws and has developed a guidance handbook. The Center for the Study of Family and the State at Duke University has taken an anthropological approach to family impact analysis, especially in the examination of the effects of highway development on families in a black neighborhood.

There are drawbacks, however. Family impact statements are not easy to apply. Families are complex, value-laden, and delicate. Family impact analysis is best used to advise and caution policymakers about

the impact of programs on families and not to prevent governmental action or delay action through courtroom battles. These analyses are only as good as the information they are based on.

A similar approach is family evaluation research, which examines whether social programs have achieved their stated goals for families and family members. It is more limited than family impact analysis in that it does not attempt to forecast the future but instead looks at the performance of an existing program. Even though a program may have had a broader focus when adopted, its specific impact on families is the limit of analysis.

Family Policy Advocacy

Family policy advocacy involves individuals or organizations taking positions actively campaigning for changes in public policies based on their impact on families. Family policy advocates would employ tools such as family impact analysis and family evaluation research in their work.

Family policy advocates would attempt to enact, repeal, or alter public policy depending on the policy's effectiveness at improving the quality of life for families. Family policy advocates would interact with all major decisionmakers: government, corporate, religious, media.

Family policy advocacy has the advantage of influencing decisionmakers both by information sharing and by applying political pressure. It has the disadvantages of carrying with it the particular biases and opinions of the advocates.

SUMMARY OF STATE RECOMMENDATIONS: GOVERNMENT

- 35 states made recommendations on government and families

Sensitivity to Families (31)

- Nineteen states made recommendations on the need for policies, legislation and regulations to be supportive of families.
- Sixteen states made specific recommendations for family impact analysis and/or statements.
- Six states made recommendations regarding the Office on Families in the Department of Health and Human Services.
- Twelve states addressed or made recommendations on the Equal Rights Amendment.
- Six states called for support of the Family Protection Act.
- Four states supported for sunset legislation.

Role of Government (23)

- Eleven states made recommendations regarding the limits of government involvement with families.
- Five states made recommendations that the role of government is to enhance and support families.
- Fourteen states recommended that family issues be handled on a local level.

Citizen Involvement

- Eleven states made recommendations on citizen participation and the need for the public to be informed about government.

Sensitivity to Families

Montana proposed:

"Review and insure that all policies, legislation and regulations seek to be responsive and supportive to families."

Other states expressing a general concern about the sensitivity of government and laws to families include: Rhode Island, Oklahoma, Delaware, Wyoming, Arkansas, Washington, Wisconsin, South Carolina, South Dakota, Minnesota, New York, Connecticut, Missouri, Colorado, Illinois, Hawaii, Kansas, and New Hampshire.

The following states made specific recommendations about the need for family impact analysis and/or statements: Kansas, Kentucky, Maine, California , District of Columbia, New Hampshire, Hawaii, Montana, Alaska, New York, Iowa, Wisconsin, Wyoming, Missouri, Alaska and Delaware.

Kansas proposed:

"The new Office of the Family should be responsible for overseeing the development of these positive family policies and guidelines."

Other states mentioning the Office on Families include: Virginia Hawaii, Montana, and Missouri.

Arkansas opposed the "establishment of an 'Office of Families' within HEW.

ERA

North Carolina proposed:

"It should be the policy of the federal, state and local government to encourage the ratification of the Equal Rights Amendment as the 27th Amendment to the Constitution of the United States."

Other states expressing support for the ERA include: Illinois, New York, Washington, Maryland, Alaska, and Texas.

Mississippi proposed:

The Equal Rights Amendment should not be ratified.

States making recommendations in opposition to ERA include Arkansas, North Dakota and Texas (against extension of time limit and for recision).

Two states (Rhode Island and Colorado) mentioned ERA without making any specific recommendations.

Washington proposed:

Endorse the Family Protection Act, S-1808.

Other states recommending support of the Family Protection Act include: District of Columbia, Mississippi, Arkansas, Texas, and Iowa.

Oklahoma proposed:

A federal Sunset Law should be established.

The need for "sunset legislation" was also proposed for Montana, South Carolina (on a state level) and Colorado.

The District of Columbia proposed:

"That citizens have a right to know what laws exist and how they impact on their lives."

Other states making recommendations on citizen participation and the need for the public to be informed about government activities include: North Carolina, Oklahoma, Wisconsin, North Dakota (assist with citizen complaints), Alaska, Colorado, Delaware, South Carolina, Maryland, and Minnesota.

Role of Government

Connecticut proposed:

"The proper role of government is to enhance, but not control, the family's ability to function as an economic unit."

Several other states proposed similar recommendation, including Kansas, New Hampshire, Oregon, and Maine.

Oklahoma proposed:

"There should be a limit to what government should and ought to do for families."

Other states proposing limits on government' role with families include: Texas, Mississippi, Illinois, Nebraska, North Dakota, Arkansas, District of Columbia, Iowa, Maryland, and Alaska.

Montana proposed:

"It should be the policy of government on all levels to encourage and strengthen the family by enabling families to deal with their own issues, concerns and problems on a local level with a minimum of governmental involvement.

Other states recommending that more attention be given to family issues at the local level include: Kentucky, Oklahoma, Arkansas, Alaska, Iowa, Maine, North Carolina, North Dakota, Georgia, Washington, California (federal regulations should be flexible enough to allow for local needs), Tennessee, and Texas.

Seven states addressed the relationship between religion and government with a wide variety of specific recommendations. Four states made recommendations regarding the environment and two states made recommendations regarding military spending. Several states submitted recommendations on transportation.

RECOMMENDATIONS	NUMBER OF STATES MAKING SIMILAR RECOMMENDATIONS	STATES
SENSITIVITY TO FAMILIES	30	
o Policies supportive of families	19	AR, CT, CO, DE, IL, KS, MN, NH, NY, OK, RI, SC, SD, WA, WI, MO, HI,
o Family impact statements	15	AK, CA, DC, DE, HI, IA, KY, KS, ME, MO, MT, NH, NY, WI, WY,
o Office on Families	6	AR, HI, KS, MO, MT, VA
o Equal Rights Amendments	12	AK, AR, CO, IL, MD, MS, NY, NC, ND, RI, TX, WA
o Family Protection Act	6	AR, DC, IA, MS, TX, WA
o Sunset Legislature	4	CO, MT, OK, MT
ROLE OF GOVERNMENT	23	AK, AR, CA, CT, DC, GA, IL, IA, KS, KY, ME, MD, MS, MT, NB, NH, NC, ND, OK, OR, TN, TX, WA
o Limits of Government	11	AR, AK, DC, IA, IL, MD, MS, OK, NB, ND, TX
o Government Enhancing families	5	CT NH, KS, ME, OR,
CITIZEN INVOLVEMENT o Citizen Participation/Need for public to be informed	12	AK, CO, CT, DC, DE, MD, MN, MT, ND, OK, SC, WI

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White House Conference on FAMILIES

FAMILIES AND MAJOR INSTITUTIONS

Issue Brief: Television and Families

I. INTRODUCTION

Throughout the national hearings and state activities of the White House Conference on Families (WHCF), participants voiced concerns about the impact of media, particularly television, on families. Within three decades television has become a pervasive influence within American society. This raises important questions and challenges for families:

- What is television doing to the nation's families and their values?
- Why do some parents feel they are competing with television programming and advertising in influencing their children?
- How can families influence or control the impact of television on the lives of their members?
- How can television contribute to educational and personal growth within families?

II. BACKGROUND ON MAJOR ISSUES

Television plays a major role in American life:

- Ninety-eight percent of American households, 74.5 million homes, have at least one television set. 1/ Forty-six percent have two or more sets. 2/
- The average American household watches television more than six hours a day. 3/
- Children watch surprisingly large amounts of television. Children of 2 to 5 average more than 27 hours per week; those between 6 and 11 average more than 24 hours a week. A child will have spent more time before a television set upon entering kindergarten than the average four-year

college graduate has spent in classrooms. 4/ By age 16, the average child will have watched between 12,000 and 15,000 hours of television.

- Children are exposed to massive amounts of television advertising. On the average, children 2 to 5 view 20,746 television commercials per year 5/ and those 6 to 11 see 19,236. 6/ Between the ages of 2 and 11, the average child is exposed to approximately five hours of advertising every week. 7/

- Based on current rates of viewing, by age 65 the average American will have spent 9 years watching television. 8/

There is no definitive answer as to what this is doing to American families, but there can be no doubt that it is having an impact. Issues raised within the WHCF process include concerns about the effects of sex and violence on television, of how women and minorities are depicted, and on what might be done to influence or regulate television.

Violence

In the three decades that families have lived with television, public concern about TV violence has led to eight different Congressional hearings, a special report to the National Commission on the Causes and Prevention of Violence in 1969, and a massive study commissioned by the Surgeon General linking television and social behavior. In spite of this, violence continues to fill the living room screen. In studies begun in 1967 it has been found that, on average, 8 out of 10 programs and 6 out of every 10 major characters are involved in violence. During prime time, an average of 7-1/2 violent acts are portrayed every hour. In children's weekend programming, violent episodes average almost 18 per hour. 9/

It was long theorized that there is no relationship between televised violence and aggressive behavior, and that television serves to release aggressive tensions, which would reduce violent behavior. More recent research disputes this, suggesting that there is a cause-and-effect relationship between TV violence and later aggressive behavior. 10/

Public concern and protests about television violence have led to a modest decline in violent incidents on television, according to several sources.

Sex

How sexuality and sexual activity are dealt with on television continues to be a significant concern. Although in recent surveys almost half

the respondents agreed that more openness about sex on television has some positive social value, most wanted close controls on both the timing and portrayals of sexual themes.

George Gerbner and his associates found the following changes between the 1977 and 1978 television seasons: 11/

- Depiction or discussion of sexual behavior increased from 8 to 9, out of every 10 prime-time programs.
- References to homosexual or bisexual behavior increased from 7 to 10 percent of programs.
- References to premarital and extramarital sex rose from 21 percent of prime-time programs to 43 percent.
- References to nudity rose from 2 to 14 percent of programs, and the depiction of nudity from 3 to 6 percent of programs.

Families on TV

From "Father Knows Best" in the 50's to the current "One Day at a Time," families have been at the center of television programming. In the eleven years from 1969-79, prime-time programming focused more on male-female relationships and home and family themes than any other aspect of American life. They appeared in 80 percent of all prime-time programs.

How accurately families are portrayed is a key issue:

- For every woman playing a major role, have been three males in leading roles over the past 11 years. 12/
- Most television programming continues to cast women primarily as homemakers while male characters have the power and authority. 13/
- Ninety percent of the heads of household in situation comedies, and more than half of all video breadwinners have middle-class occupations. Although blue-collar occupations account for almost 70 percent of actual jobs, only 6 percent of the programs surveyed in one study had heads of household employed in such occupations. 14/
- Hispanics are virtually absent from the media. Although blacks have recently become more visible on television, they usually appear only with other blacks. 15/

- In contrast to increasing and significant percentages of female-headed families, male-dominated households are the norm on television. Very young children and extended family members also are virtually ignored. 16/

- Although families have remained central to soap operas during the past 30 years, their role has diminished in size and importance. Whereas earlier stories were centered in the home and involved family members, today's soap operas focus on doctors, nurses, lawyers, and their secretaries.

Advertising

Television broadcast revenues were $5.9 billion in 1977. 17/ While some decry the quantity and quality of advertising in general, most public interest is centered around children's advertising. It has been estimated that $661 million was spent on television advertising for products with a strong appeal to children: candy, soft drink, cereals, and toys. 18/ Almost half of children's advertising is for heavily sugared foods. 19/

In 1978 the Federal Trade Commission formally began consideration of a trade rule regulating children's advertising. Industry spokespersons argued their Constitutional right of free expression and sought to show that, because of parental guidance, children's advertising was neither false nor deceptive. Consumer advocates argued that children are unable to distinguish advertising from programming, and are unable to evaluate advertising claims or even to understand the promotional or selling intent inherent in advertising.

III. POSSIBLE DIRECTIONS FOR FUTURE ACTION

Many families watch television together. In the mid-70's the Census Bureau reported more than 45 percent cited television viewing as their favorite evening pasttime. Television can do many things -- it can entertain, edify, inform, or babysit. It can draw families together in common activity and help them escape tense domestic situations. But it can also increase family tension. One study found that the more hours the television set is on, the greater the level of family stress. 20/

How Families Can Affect Television

The most direct way that families affect television is through their viewing habits. Broadcasters constantly monitor the viewing audience to judge the popularity of various shows.

Some organizations have sought more active means to influence programming. Organizations such as Action for Children's Television, Grey Panther

Media Task Force, National Black Media Coalition, Office of Communication of the United Church of Christ, and the Parent-Teachers Association have organized to influence the television industry. Their achievements have included: 21/

- o Establishing the right of the public to participate in Federal Communications Commission (FCC) proceedings;
- o More vigorous enforcement of FCC's Fairness Doctrine;
- o Defeat of an effort to obtain five-year TV station licenses; and
- o Improved network standards for news and public affairs.

Perhaps the most significant effort was made by the National PTA, which formed its Television Commission in 1976 and mobilized its 6,500,000 members in eight nationwide hearings and awareness sessions to protest local broadcasts of offensive programs. The networks have credited these efforts for the modest shift away from violence-prone programs and "sexploitation." The PTA-TV Action Center continues to monitor prime-time television, acts as a clearinghouse for information on all aspects of broadcasting, and publishes T.V. Program Review Guides twice yearly.

Government Regulation

In a democracy the media perform the crucial function of disseminating ideas and information to help citizens exercise free choice. Freedom of the press is one of the cornerstones on which this country was founded; it is safeguarded by our Constitution. The First Amendment provides that, "Congress shall make no law...abridging the freedom of speech, or of the press..." As a result, government does not regulate programming but it does have authority to issue broadcasting licenses under the Communications Act of 1934.

Licensing decisions are based, in part, on a judgment as to whether programming is "in the public interest" -- that is, whether a broadcaster devotes a reasonable amount of time to controversial issues of public importance and provides reasonable opportunity for presenting contrasting views. 22/

The FCC licenses stations for three-year periods and each application for license renewal requires a Commission review. Typically this includes an examination of a station's record of service to the community, a sampling of the kinds of programming offered, the number of advertising minutes per hour, any record of public complaint filed with the Commission and station proposals for future programming -- especially proposed weekly percentages of news and public affairs programming. 23/

Currently the Congress is considering legislation introduced by Representative Lionel Van Deerlin (D-Calif.) that seeks to reduce regulation of television by eliminating the Fairness Doctrine and permitting regulation only "to the extent that marketplace forces are deficient." The bill would also end the three-year term for broadcast licenses.

SUMMARY OF RECOMMENDATIONS: MEDIA

- Twenty-nine states addressed media issues, especially television in their recommendations.
- Twenty states made recommendations concerning the role and responsiblity of the media; of these fourteen states made recommendations concerning support of Family Life, nine states made recommendations concerning Family support through community public service, seven states made general recommendations, five states made recommendations concerning quality programming moreover four states made recommendations concerning media support of moral and spiritual values as an equal number made recommendations concerning the media responsibility to children.
- Twelve states made recommendations concerning the role of government involvement with the media.
- Twelve states made recommendations concerning citizen efforts to influence media programming.
- Eleven states made recommendations concerning the media's depiction of sex and violence.
- Eleven states made recommendations concerning the role of the FCC in radio and TV broadcasting.
- Six states made recommendations concerning televisions relationship to both schools and families.

Media and Families

Maine recommended:

The media should be more positive about families and more supportive of families.

Similar recommendations were made by: Arkansas, California, District of Columbia, Illinois, Iowa, Nebraska, North Dakota, New Hampshire, Rhode Island, Vermont, Washington and Wisconsin.

North Dakota proposed:

"Improve quality and accountability of present public media."

Similar recommendations were made by: District of Columbia, Maryland, North Dakota and Washington.

Nebraska proposed:

"Public Service Announcements (PSA's) should be maintained, increased in frequency, and given greater visibility during family viewing time. PSA's should be extended to other media (radio, newspapers, periodicals, billboards, etc.). Emphasis should be placed on family roles and values, communication, moral standards, spending time together as a family and family solidarity."

Similar recommendations were also proposed by: California, District of Columbia, Georgia, Illinois, Iowa, North Dakota, Vermont and Wisconsin.

Several states mentioned the role and the responsibility of the media without including specific recommendations. Those states include: California, District of Columbia, Hawaii, Illinois, Nebraska, Oklahoma and South Carolina.

North Dakota proposed:

"Parents should discuss with their children the programs they see on television, encourage the positive aspects of television programming, discuss ideas and happenings that are presented, point out decision making by good parent models on television and discuss sound methods of decision making."

Oklahoma also made similar recommendations:

"Families should be encouraged to discuss among themselves how they wish to spend a block of time and whether the programs at their hour are worth watching."

Similar recommendations were made by: Wisconsin

Media and Government

California proposed:

"Government and private institutions should encourage the expansion of efforts to include in public service announcements, documentary specials and regular programming, consumer safety and educational information which will adhence the ability of family members to cope with social changes and pressures."

Similar recommendations were made by: Connecticut, Illinois, Texas and Vermont

New York proposed:

"The government should be responsive to grievances related to media abuses against ethnic, racial, cultural groups or women."

Similar recommendations were made by: California and Connecticut

Maryland proposed:

"The government should consider the enactment of legislation in restraint of media deemed to violate vital public interest."

Similar recommendations were made by: Iowa and North Dakota

New York proposed:

"The Federal Communications Commission should address itself to correcting negative influences on children and families by establishing standards for the presentation of such things as violence, sex, race and family stereo types."

Similar recommendations were made by: Arkansas, California, Connecticut, North Dakota and Texas.

Washington proposed:

"The FCC through grassroots involvement should require (1) fewer commercials, and (2) demand greater honesty and accurate portrayal of advertised products."

Similar recommendations were made by: California, Connecticut, and West Virginia

Connecticut proposed:

"It should be the policy of government to take aggressive action against those advertisers and advertising which has a deleterious effect on the health of family members and the environment in which they live."

Similar recommendations were made by: Hawaii, Iowa and Vermont

Texas Recommended:

"It should be the policy of the Federal government to encourage more family oriented television programming and eliminate nationally objectable materials, particularly during family hours."

A similar recommendation was made by Nebraska

Vermont proposed:

"Federal government should have a policy to insist on quality programs by organizing an active advisory commission to consist of representatives of the U.S. Congress, media, FCC, FTC, advertisers and elected citizens; and by encouraging and funding positive programs that are already in effect."

Similar recommendations were made by: Oklahoma

California proposed:

"The federal govenment and private institutions should expand research into areas dealing with television and its effect on family life."

Similar recommendations were made by: Connecticut and Maryland

One state, North Dakota, said they "do not recommend government control of media "but instead favored" more freedom for local stations to select programs.

Maryland proposed:

"Both individuals and civic, fraternal and professional organizations should encourage local, state and national leaders to scrutinize existing government programs and the influence of television programming as to their impact on families."

Similar recommendations were made by: Connecticut, District of Columbia, Hawaii, Washington and Wisconsin

Connecticut proposed:

"PTAs and other educational groups should marshall their forces to persuade governmental agencies and the media to achieve the program recommendations. Reviewing the sensitivity and responsiveness of media to public opinion, families should be outspokent, expressing their reactions to what is presented by the media and what families desire."

Similar recommendations were made by: Arkansas, District of Columbia, Hawaii, Iowa, Nebraska, North Dakota, Oklahoma and Wisconsin.

Texas proposed:

"Contact or boycott sponsors of objectionable television programs. Write local television stations and provide input to be considered when licenses are renewed. Praise sponsors of good family programming and ads by phones and writing."

Similar recommendations were made by: Arkansas, District of Columbia, Iowa, Maine, North Dakota and Vermont.

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White House Conference on FAMILIES

FAMILIES AND MAJOR INSTITUTIONS

Issue Brief: Community Institutions

I. INTRODUCTION

Families rely for support and emergency assistance on a variety of sources -- neighbors, friends, community organizations, self-help groups, voluntary associations, religious institutions, and professional services. Examples of community institutions in action are:

- The woman in her sixties whom the neighbors turn to for help and support when their welfare checks are late;
- The widowed person's club which the local church sponsors to provide mutual support and socialization;
- The neighbor who takes in a teen-age girl who has been thrown out of her house by her family;
- The clergyman whom parishioners talk to about family or marital problems;
- The community organization that helps residents develop a needed community-based hotline;
- The ethnic organization that helps the middle-aged parents with the strains caused by value conflicts with their children;
- The co-worker who helps with the problems of caring for aged parents.

Formal or informal community institutions protect families in crisis from a variety of stresses, and assist them in coping and adapting.1/ They work in the manner most suitable to the particular makeup of the community -- something that larger, more complex institutions are not always able to do. Moreover, community institutions often fill voids caused by discrimination and may be more sensitive to treating families with special needs.

These community institutions are important mediating structures that stand between individuals and the larger institutions of society.2/ This issue brief examines four categories of self-help groups, religious institutions, and voluntary organizations. It seeks to help delegates to the White House Conference on Families answer the following questions:

- o What are the significant elements of community institutions?
- o How do community institutions serve families?
- o How can government and private community institutions work together to help families?
- o How accessible are community institutions to those they serve?

II. BACKGROUND ON MAJOR ISSUES

Informal Supports and Neighborhoods

People naturally rely on relatives, neighbors, and friends for support, and that support serves several important functions, particularly for the young and the aged who may be unwilling or unable to seek professional help. These informal community relationships -- the traditional pattern of self-help -- often provide the best solutions for a given problem. They provide counsel, direct assistance, and frequently, through referrals to other contacts, guide families to institutional resources.

Self-Help Groups

Among the first forms of self-help groups were the "Friendly Societies" of 19th Century England which sprang up among the working class to help them cope with the often disruptive social conditions of the Industrial Revolution.3/ Self-help groups are composed of people who band together to share common problems and to help each other with solutions.

Features that distinguish self-help groups from organizations such as unions, corporations, and service organizations include:4/

- o Face-to-face interactions and personal involvement;
- o Spontaneity (they are not set up by some outside group); and
- o Membership agreement on and engagement in action.

It has been estimated that there are more than a half million self-help groups.5/ For example, the National Association for Retarded Citizens has over 1,300 local units and a membership of more than 130,000. Alcoholics Anonymous, which began during the Depression, has close to 30,000 separate groups in 92 countries with an estimated membership of over one million.6/

In a two-county area of New York State alone, six self-help organization (Alcoholics Anonymous, Al Anon, Gamblers Anonymous, Gan-Anon, Overeaters Anonymous, and TOPS) have more than 180 chapters.

There are self-help groups for nearly every major disease listed by the World Health Organization -- groups for the afflicted and for their relatives and friends. There are self-help groups for the physically handicapped, families of schizophrenic patients, drug abusers, Vietnam veterans, parents who abuse their children, young people in search of identity and jobs, widows, and parents of twins, to name a few.

The kind of help offered is enormously varied. Some groups, focusing on family concerns, use mail and the telephone as well as face-to-face meetings to help each other. The Candlelighters, parents with children who have cancer, include among their activities a parent-to-parent correspondence program for those who live in communities which do not have an ongoing group.

Frequently in self-help groups, people change roles between being the recipient and the helper.7/ Many groups, in addition to being supportive of their members, are action oriented, often focusing on changing public attitudes toward their problems or situations. Some of those who work with the handicapped include an emphasis on changing public policies as a means of helping group members.

Religious Institutions

Religious institutions have a history of promoting family values as part of their primary role of serving spiritual needs. This source of support provided by local religious institutions is the oldest and most intense. In a recent study,8/ more people (39.2 percent) said they would first turn to the clergy if they had a problem that required professional help. Priests, ministers, rabbis, and other clergy have long traditions of spiritual, social and emotional healing.9/ Perhaps the greatest natural asset of the clergy is their acknowledged role of seeking out and caring for those in distress.10/

At least 127 million people in the United States belong to religious groups, reflecting a rich diversity of religious and spiritual traditions.11/ At least 250,000 clergy are available as community resources. Among minorities, the storefront church is often the central, and sometimes the only, accessible source of local assistance.

Religious institutions have deep resources, including many insights about human values which can foster support among individuals, families, and neighbors. Religious institutions contribute to reducing and

controlling depression and fear, and helping people cope with anxiety and despair.12/ Churches and synagogues are also the major organizations that span generations and thus help people throughout their lives, simultaneously building communication bridges between the generations.

A relatively new resource for communities is the growing number of clergy who, in addition to their religious training, have specialized in the behavioral sciences. Numbering in the thousands, these clergy now act as specialists in pastoral psychology and counseling in a wide variety of community settings.

Many religions provide formal programs for families. Roman Catholics, for instance, have long held Pre-Cana Conferences, all-day or half-day meetings at which couples intending to marry hear instructions on how to make their marriage and family life more fulfilling and rewarding. The conferences consider the basic principles of family life, including the nature of marriage, the roles of husband and wife, parent education, and related subjects. A variety of religious groups have supported the fast-growing marriage encounter and marriage enrichment movements.

Among other community supports currently provided by religious institutions are:

- Family life activities and programming -- education and support efforts for congregation members.
- Lay ministry teams in congregations. This approach uses sensitive, mature lay persons as ministers to the community.
- Social Services. Many denominations provide adoption services, marriage counseling, and other family-related services.
- Congregation-based sharing groups. These include, for example, groups to help people recover from grief or divorce or to assist parents of handicapped children.
- Church counseling and growth centers. These offer individual and group counseling services, together with a wide variety of support.
- Pastoral counseling used by community agencies. These religious personnel supplement or provide resources not otherwise available through community agencies.
- Congregation-based neighborhood social and civic action. An example is the Campaign for Human Development, sponsored by the U.S.

Catholic Conference, which provides grants to organizations and groups for community self-help efforts. Their projects have included funding a self-help group in a mixed Cleveland neighborhood, making Federal housing programs more responsive to the community, and assisting a group of retired, disabled, cotton-mill workers obtain compensation and treatment for brown lung diesease.

- Health and social service centers sponsored by churches and synagogues. These centers, housed in church or other buildings and staffed by medical personnel, social workers, and pastoral counselors, minister to people who visit the centers to discuss a variety of issues.

Voluntary Social Service Organizations

Voluntary organizations began when groups of private citizens, without legal responsibility for public welfare, organized privately funded public services, establishing the basis for such institutions as public hospitals.

Community organizations of this kind have flourished in the United States more than in any other western society.13/ Before the social welfare legislation that evolved from the Depression, almost everything in the realm of social services was provided by voluntary organizations. Today there are 350,000 religious social service organizations, 37,000 human service organizations, and 3,000 private hospitals.14/ Annual private giving for public purposes totals more than $50 billion a year in money and services, including 6 billion hours of work contributed to voluntary organizations.

Voluntary organizations help families and family members in numerous innovative ways. As former Secretary of Health, Education, and Welfare Wilbur J. Cohen asserted: "There are critical reasons for maintaining a vital balance of public and private support for human services, not the least of which is the continuing task of innovating in areas where public agencies lack knowledge or are afraid to venture."15/ Voluntary organizations exercise a direct influence in shaping government policy and reducing the government's scope.

The roles of voluntary organizations have shifted recently as public funds have been increasingly used to finance programs. Also, in recent years government has contributed nearly half of the funding for voluntary organizations.16/

III. POSSIBLE DIRECTIONS FOR FUTURE ACTION

Fragmentation of Services

The nation's social diversity has given rise to many agencies that provide a wide range of services. Government agencies, religious agencies, private, non-profit social service agencies, profit-making agencies, and community organizations provide service programs on all levels, with each agency funded from a variety of sources. For example, community mental health centers might receive money from Federal, state, and local governments and from United Way foundations. These different kinds of funding make the development of coordinated service networks extremely difficult because of conflicts in regulations, eligibility criteria, funding levels, and agency boundaries. Federally defined mental-health areas, for example, sometimes split neighborhoods in half.

The sheer number of agencies creates another serious problem. Service providers -- particularly those in neighborhood-based support systems -- are often unaware of the type and amount of services being provided in the community by agencies other than their own. This lack of awareness of other services can be a serious handicap to service providers working with people with several needs or problems.

Accessibility of Services

Obstacles to accessibility can prevent people from seeking and receiving help. Obstacles include services that are provided at inconvenient hours and locations, that are narrowly defined, that cost too much, or that are delivered insensitively. Problems such as legal obstacles also prevent neighborhood support systems such as churches, ethnic clubs, or community organizations from receiving, for example, Federal mental health funds, despite the easy access to the troubled.

Accountability of Services

Accountability defines the relationships between the individual's being served and service agency decision-makers to ensure that clients can influence decisions that affect them. Services often lack such relationships, which causes severe accountability problems. For example, professional agencies sometime do not understand or respect the role that community helpers play on behalf of individual clients and consequently may not allow these helpers input into agency planning, service delivery, and evaluation processes.

Growth in Public Sector Programs

Voluntary community supports have become more dependent on government and, thus, on the terms and conditions that may limit the freedom of

voluntary agencies and could hamper their roles as innovaters and social critics. In the past, contributions enabled voluntary organizations to maintain their independence. In recent years voluntary funding has failed to keep pace with either needs or inflation.

Federal tax laws may have contributed to this decline. While individuals are allowed to deduct charitable contributions from their income tax, the income-tax laws and forms are so formidable that many taxpayers find it easier to take the standard deduction, thus foregoing the advantages of itemization.

SUMMARY OF STATE RECOMMENDATIONS: COMMUNITY INSTITUTIONS

Twenty-six states made recommendations which addressed community institutions.

COMMUNITY SUPPORTS AND ORGANIZATIONS

- Eleven states made recommendations supporting local self-help and mutual support groups.
- Six states recommended a variety of ways that community organizations can be supportive of families.
- Three states proposed an increase in community organization sponsored volunteerism.
- Several states made a variety of individual recommendations about community supports for families.

COMMUNITY SERVICES

- Five states recommended that local communities better coordinate existing human services.
- Four states recommened that information about existing human services be collected and widely disseminated.
- Three states proposed improving and increasing family recreational facilities.
- Other states made recommendations which addressed supports for home care of aging, family members, recreational facilities, human service needs assessments and local family support systems.

RELIGIOUS INSTITUTIONS

- Five states recommended that churches should be more actively involved in providing supports to needy families.
- Seven states recommended that religions and cultural institutions play a greater role in providing education for family life.
- Several states made a variety of recommendations which addressed the role of religion and families in teaching moral and spiritual values.

COMMUNITY SUPPORTS AND ORGANIZATIONS

Self-Help

Maine proposed:
"Families should participate in self-help and support groups."

Nebraska proposed:
"Encourage community support groups to affirm one another and take necessary action for strengthening the family. Encourage extended family support systems, either natural or substitute, e.g. foster grandparents, houseparents for students, big/little sister or brother, neighborhood support groups."

Illinois proposed:
"Encourage development of self help groups by the development of clearing houses to integrate information, to promote training and technical assistance; of directories for the dissemination of information; of curricula for undergraduate and graduate training; of referral resources."

Similar recommendations were made by: Colorado, Connectiuct, District of Columbia, Iowa, New Hampshire, South Carolina, Vermont and West Virginia.

Community Organization

Minnesota proposed:
"Community organizations are urged to provide resource for families to develop and strengthen their values."

Kentucky proposed:
"The community should be enabled to moblize and strengthen existing resources. All disciplines and agencies should work together to deal comprehensively with issues affecting families."

Similar recommendations were made by: Iowa, Maryland, Montana and Vermont

Family Supports

Kentucky proposed:
"Government legislation and guidelines should encourage community volunteer efforts, community delivery systems and family support systems."

Similar recommendations were made by: Maine and New Hampshire

Colorado proposed:
"To establish community and/or neighborhood family councils which are in close contact with individual families."

Similar recommendations were made by: West Virginia and Wisconsin.

Community Services

Oklahoma proposed:
"A directory of local "helping" agencies should be developed and broadly distributed."

Illinois proposed:
"Mandate compilation and dissemination of information about available services, including the access points, i.e. courts of law, social agencies, hospitals, clinics, schools."

Similar recommendations were made by: Colorado and Connecticut.

New Hampshire proposed:
"Coordinate existing family resources."

Kentucky proposed:
"The community should be enabled to identify family needs. Needs assessments and resource identification should be conducted in a systematic and vaild manner. Based upoon the unmet needs identified in the community, resources will be developed including: (a) Use of volunteers. (b) Full utility of community facilities, such as schools, senior citizen centers, etc.

Various models of coordination of services exist, and a local community should develop that model best suited to the community."

Colorado proposed:
"Local community programs should be created which coordinate existing agencies and disseminate information about those services."

Similar recommendations were made by: Maine and Wisconsin

California proposed:
"Government at all levels should develop programs and incentives that ensure adequate distribution of park and recreational facilities that are available and accessible to all neighborhoods and that such facilities are accessible to all family members regardless of age, sex or disability."

North Dakota proposed:
"Recreation services should be provided which encourage family participation."

A similar recommendation was made by Vermont.

Religious Institutions

Maryland proposed:

"Religious and cultural institutions should play a greater part in the education of parents and children for family planning and family life."

District of Columbia proposed:

"Support churches and their efforts to strengthen marriage."

Similar recommendations were made by: Iowa, Montana, Nebraska, North Dakota and South Carolina.

Arkansas proposed:

"Churches become actively involved in community as a whole by providing financial aid, moral support to needy families with children."

Nebraska proposed:

"Model by leadership: (a) lay/clergy work together; (b) leaders demonstrate family life. Develop programs which would encourage family nights, camp, and other short programs. Develop a new organization which will aid local communities in family life: private schools, day care center, services for the elderly. Use existing organizations to develop family life: instruction in church school, religious education, corporate worship and family counseling. Laity and clergy form inter-church committees to search ways to strengthen the family."

Similar recommendations were made by: Iowa, Maryland and Vermont.

RECOMMENDATIONS	NUMBER OF STATES MAKING SIMILAR RECOMMENDATIONS	STATES
COMMUNITY SUPPORTS AND ORGANIZATIONS		
o Encourage self-help and mutual support groups	10	CO, CT, DC, LA, ME, NB, NH, SC, VT, WV
o Community organization supports and services for families	6	IA, KY, MD, MT, MN, VT
o Increase Volunteerism	3	KY, ME, NH
COMMUNITY SERVICES		
o Coordinate Existing Services	5	CO, KY, ME, NH, WI
o Compile and Disseminate Information about Existing Services	4	CO, CT, IL, NH
o Improve and Expand Family Recreational Facilities	3	CA, ND, VT
RELIGIOUS INSTITUTIONS		
o Religious Institutions and Churches Should Help Families Prepare for and Cope with Family Life	7	DC, IA, MD, MT, NB, ND, SC
o Churches should be more active in Meeting Family Needs	5	AR, IA, MD, NB, VT

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White House Conference on FAMILIES

FAMILIES AND MAJOR INSTITUTIONS

Issue Brief: Law and the Judicial System

I. INTRODUCTION

Family law has undergone profound change in the past decade. The changes evolve, in part, from the increase in marriage and divorce. Many more Americans find themselves in court today. Provisional data from the National Center for Health Statistics indicate that 2.3 million marriages took place in 1979 (or 10.5 per 1,000 population, up from only 8.5 in 1960). In the same year there were an estimated 1.2 million divorces (or 5.1 per 1,000 population---about double the 1950 rate of 2.6).

This issue brief gives an overview of the judicial system pertaining to family law. The brief provides information on major and current policies and programs, and addresses such questions as:

- What are the major principles of family law in the United States?
- How has family law changed in the last decade?
- What innovative alternatives to the traditional family law courtroom battle are being developed?
- Is the judicial system sensitive to families?

II. BACKGROUND ON MAJOR ISSUES

The Tenth Amendment to the Constitution reserves to the states jurisdiction over family law. While each state has built its own law on the subject, all share roots in early English law. While it is not the purpose of this brief to analyze in detail how the legal system affects families today, several general points can be made.

The judicial system for family law is composed of clients and their legal representatives who appear before judges. Judges render their decisions based on statutory law passed by legislatures and on case law.

Traditional Grounds for Divorce

As in any civil court action, grounds are required for bringing a suit. Plaintiffs suing for divorce have had to prove to the court that the other spouse was "guilty" of actions specified in the complaint and that the plaintiff was "innocent." Because many divorce actions were preagreed to by both parties, this approach often forced the participants into absurd situations, and did little to create respect for law and the judicial system. The traditional grounds for divorce have been cruelty, desertion, and adultery. A century ago most divorces were granted on grounds of desertion and adultery; by 1970, these had become minor grounds, and more than half the divorces in the United States were granted on the grounds of mental cruelty.1/

No-Fault Divorce

In 1979, California became the first state to enact a no-fault divorce law. Under the no-fault system, although courts still use an adversary proceeding, neither spouse is considered "guilty." California law specifies that divorce, also called dissolution of marriage, must be granted where irreconcilable differences have caused the irreparable breakdown of the marriage. If the court finds this to be the case, it orders the dissolution. Unlike the past, any evidence of specific acts of misconduct are viewed as improper and inadmissible as evidence except in cases where child custody must be determined or evidence of serious misconduct of a parent involving the child would be relevant. A second important element of the California law is that either husband or wife can be required to support the other, or that both can be required to support their children, depending on the court's judgment.

During the 1970's all but three states changed their laws to provide either a short period of separation before the granting of a divorce decree, or a no-fault approach similar to California's.2/

Other changes occurred in child custody. Until recently the English common law regarded children as their father's property. The mother's only rights were to a child's reverence and respect.3/ In the last century, however, the pendulum swung in favor of mothers, and the "tender years doctrine" gave custody to mothers. But just as the 19th century women's movement influenced family structure and custody decisions, the current equal-rights movement has again changed the balance. The movement's emphasis on equality has led to greater participation by fathers in custody. Because judges weigh the

child's need for stability and continuity of relationships, there is less reason for the court to assume that the mother will provide the child with greater continuity and stability than the father.4/

Judges today may now award sole custody to either parent. (Nevertheless, 90 percent of all divorce cases still result in sole custody being awarded to the mother.)5/ Judges also may award divided custody in which each parent has the children for part of the year, or split custody, awarding some of the children to each parent.

Most recently, judges have been awarding joint custody, in which both parents retain legal responsibility for the care and control of the children. In this manner, both parents have equal rights and responsibilities. Beginning this year in California, joint custody is the first choice of the courts. Proponents of joint custody argue that the close relationship between children and both parents is not destroyed when a marriage ends, and that the child needs the love and parental influence of both parents. The main arguments against joint custody are that two people who could not get along well enough to stay married may not agree on how to jointly rear their children. Additionally, tax laws not written in light of joint custody require tax benefits to go to one parent or the other, thus handicapping this type of arrangement.6/

Parental Kidnapping

A closely related problem concerns kidnapping by parents. Because sole custody is still the most common type of award, the incidence of an unhappy former spouse stealing children from the custodial parent and taking them across state or national borders is on the rise, with current estimates ranging from 25,000 to 100,000 cases annually.7/

The Federal Kidnapping Act, 18 U.S.C. 1201, specifically exempts parents from its sanctions. In cases involving custody of a "snatched" child many courts in the kidnapping parent's state feel free to make a new determination of custody from scratch. A growing point of view is the New York court approach, which requires that once the original state or country from which the child has been snatched has made an order, other courts should be limited to supporting the court order and returning the "snatched" child, except where the child is in obvious danger.

Congressional action requiring this course of action has been proposed. Senator Malcolm Wallop (R. - WY.) has introduced a bill that would: (1) require state courts to enforce custody and visitation decrees made by the state where the child actually lived; (2) make available the resources of the Department of Health, Education, and Welfare's Parent Locator Service; and (3) make parental kidnapping a Federal misdemeanor. Similar provisions were recently included in the proposed revised Federal Criminal Code.

On the international level, representatives of the U.S. Department of State and other governments are currently negotiating to secure the prompt return of children wrongfully removed to, or retained in, any contracting nation, and to secure in all contracting nations the effective enjoyment of the rights of custody and access.

Child and Spouse Support

Other significant changes have occurred in child and spouse support. Many states now have laws that may require either spouse to support the other spouse and the children.8/

Traditionally, men were responsible for paying alimony, now referred to as maintenance, to their former wives. Today, either may be required to pay the other maintenance, usually on a shortterm basis while the spouse secures a source of income. Rather than a continuous source of funds as it was under the alimony system, maintenance is designed to smooth the transition after dissolution.

Similarly, either or both parents may be required to pay support for their minor children. Traditionally the father was responsible but, in view of recent evidence, it is doubtful whether fathers actually assumed the major burden of child support after divorce. The custodial mother has borne an equal, if not greater, share of the cost of child rearing.9/ The most recent Census Bureau figures show that 75 percent of all divorced or separated spouses with children receive no child support at all, and less than 30 percent of the custodial parents receive more than $250 per month. In fiscal year 1978 there were an estimated 5 million "missing" spouses with an obligation to provide support.

No matter which spouse is responsible, Federal machinery now exists for enforcing support. As mandated by recent law HEW's Office of Child Support Enforcement established the Parent Locator Service. Using Federal computer resources, nearly 500,000 "missing" parents are located each year; in 1978 alone, state courts collected $1 billion in "lost" child support.10/

As previously noted, these changes in family law have been accompanied by significant changes in divorce rates. While the United States has had the highest divorce rate of any developed country, several others have seen a doubling of their divorce rate during the same period.11/ It is not clear if the relaxation of the laws "caused" the increase in divorces but it is clear that both the changes in the laws and the rise in marital instability reflect a change in American attitudes.

III. POSSIBLE DIRECTIONS FOR FUTURE ACTION

Because of increased recourse to the law, family law courts are over-extended. As a result, two things have happened. First, the courts

are increasingly used as a forum for settling legal disputes involving families. While continuing to provide a place to register the settlement of disputes, courts now supervise a shrinking number of disputes the parties cannot settle for themselves.12/ Secondly, some new approaches to resolving disputes are being tried.

In 1976 Chief Justice Warren Burger called for new ways of settling disputes outside the courtroom.13/ He cited Japan, a country with fewer lawyers per capita than the United States, and a long history of community and private means of resolving disputes without litigation, lawyers, courts, judges, expense or delay. In this spirit, a number of innovative ideas are being tried in U.S. family law.

Conciliation Courts

Some jurisdictions have established conciliation courts. Upon referral of a case, conciliation courts have the parties meet with a trained counsel or conciliator who attempts to help them reach agreement on how to settle their problems.

Arbitration

Other courts have encouraged or accepted the use of arbitration. Under arbitration, the parties voluntarily agree to submit a dispute to another person for a binding solution. The arbitrator's award is usually final because the grounds for judicial modification are few.14/ In a departure from courtroom procedure, the parties may choose their arbitrator. While maintaining the basic notions of due process, arbitration is far more informal and flexible than ordinary courtroom procedures. Recognizing the growing importance of arbitration in family law matters, the American Arbitration Association has established a Family Disputes Service.15/ The Association trains family lawyers, clergy, social workers and others to help settle family disputes. Even conventional court cases on family matters may now contain arbitration clauses to avoid expensive trips to the courtroom over future disagreements between the parties.16/

Mediation

Mediation is another new trend which uses a neutral third party to help the parties resolve disputes themselves. Mediation has the advantages of arbitration while fostering privacy and selfdetermination in resolving family disputes. Structured mediation is a recent modification of this trend. Under structural mediation, the parties agree in advance to rules and guidelines to be followed in their case. Issues are clearly defined and fully examined, and impasses are resolved by arbitration.

All these alternatives to the traditional adversary court approach have numerous advantages. To the clogged courts they offer substantial relief, while the courts still retain ultimate control. To the parties (including their children, whose trauma may often by the greatest), the alternatives offer rational, logical, and safe ways for the parties to control their own situations at an affordable cost. In addition, these methods, because parties draft their own agreement, result in less future litigation.

SUMMARY OF STATE RECOMMENDATIONS: LAW

- Nineteen states directly addressed legal concerns in their recommendations.
- Nine states called for efforts at prevention and counselling before divorce.
- Seven states recommended mofifying the traditional courtroom adversary system to include arbitration, conciliation, and mediation.
- Eight states made recommendations concerning laws on divorce and marriage.
- Five states made general recommendations regarding family law.
- Seven states addressed recommendations to issues of the rights of parents and children.
- Five states addressed the issue of child support.
- Four states made recommendations concerning of child custody.
- Three states addressed the juvenile justice system.

Conciliation and Counselling

Arkansas proposed:

> Prevention and family counseling services be made available to parents seeking a divorce so that wise planning can be done in setting up solutions for handling the children and their relationships with both parents.

Others states proposing similar or related recommendations include: Alaska, Guam, Georgia, Hawaii, Illinois, Iowa, North Dakota and Idaho.

California proposed:

> Legal issues which result from the break-up of the family where child custody, or child support payments are contested, should be initially referred to the court of conciliation for study and resolution in a non-adversary environment.

Similar recommendations were also proposed by Connecticut, Georgia, Illinois, North Dakota, Nebraska, and Oklahoma.

Marriage and Divorce

Vermont proposed:

> "States should make separation and divorce more difficult by lengthening the interval and requiring counselling before granting divorce."

Arkansas, Alaska, and North Dakota made similar recommendations. Guam proposed a similar lengthening of the waiting period between application and issuance of marriage license.

Parent-Child Relations

Minnesota proposed:

> "Government laws and programs should recognize that parents have the primary right and responsibility for the care of their children. Government response to parental abuse of these rights should be one of support and help in solving the problem rather than termination of parental rights."

Arkansas, Oklahoma, and Washington made similar or related recommendations.

Nebraska proposed:

"A lawyer will be appointed for the child unless the judge finds that it is in the best interests of the child that no lawyer be appointed."

Two states, Illinois and New York, proposed similar recommendations.

Family Law

Georgia proposed:

Establishment of uniform codes and reciprocity relationships between states

Illinois and Nebraska proposed similar recommendations.

California proposed:

Provide assistance and support for the development of curriculum leading to a professionally recognized speciality in family law for judges, legal staff and marriage and family counselors, with continuing education mandatory.

Similar recommendations were proposed by Connecticut and Nebraska.

Child Support

New York proposed:

The laws in formulation and interpretation should strive for equality of responsibility for child support regardless of gender which reflects the changing roles of men and women.

The District of Columbia made a similar recommendation. Both Georgia and Oklahoma recommended however that child support is the responsibility of the father.

Nebraska proposed:

Citizens should encourage county attorneys to develop active programs to collect delinquent child support.

New York proposed a similar recommendation at the federal level.

Custody

Hawaii proposed:

Amending laws dealing with custody to promote joint custody if in best interests of child.

New York made a similar recommendation.

In addition the states indicated below made recommendations not made by any other states:

District of Columbia proposed:

There should be no discrimination against fathers in child custody hearings. Kidnapping of own children not in custody should be punishable by law.

Nebraska proposed:

In determining the best interests of the child the bond that a child has with a psychological parent, along with other factors, should be considered in awarding and continuing custody.

New York proposed:

The return of children to natural parent is to be determine in accordance with the best interests of the child.

Juvenile Justice

Georgia proposed:

Evaluate and amend the juvenile justice system in order to minimize discription of the family unit.

North Dakota and Oklahoma proposed similar recommendations.

RECOMMENDATIONS	NUMBER OF STATES MAKING SIMILAR RECOMMENDATIONS	STATES
o Prevention and Counselling before Divroce	9	AL, AR, GU, GE, HA, ID, IL, IO, ND
o Marriage and Divorce	8	AL, AR, GU, IO, ND, TX, UT, VT
o Conciliation and Arbitration	7	CA, CT, GE, IL, NB, ND, OK
o Rights of Parents and Children	7	AR, IL, MN, NB, NY, OK, WA
o General Recommendation on Family Law	5	CA, CT, GA, IL, NB
o Child Support	4	DC, NB, NY, OK
o Custody	4	DC, HA, NB, NY
o Juvenile Justice	3	GA, ND, OK

FOOTNOTES

Issue Brief: Law and the Judicial System

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FAMILIES AND MAJOR INSTITUTIONS

DELEGATE WORKBOOK

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White House Conference on Families

THEMES

The National Advisory Committee on the White House Conference on Families adopted the following six themes as starting points or principles for discussion of issues.

Families: Foundation Of Society

- o Family Strengths and Supports

  Families are the oldest, most fundamental human institution. Families serve as a source of strength and support for their members and our society.

- o Diversity of Families

  American families are pluralistic in nature. Our discussion of issues will reflect an understanding and respect of cultural, ethnic and regional differences as well as differences in structure and lifestyles.

- o The Changing Realities of Family Life

  American society is dynamic, constantly changing. The roles and structure of families and individual family members are growing, adapting and evolving in new and different ways.

- o The Impact of Public and Private Institutional Policies on Families

  The policies of government and major private institutions have profound effects on families. Increase a sensitivity to the needs of families is required, as well as on-going action and research on the specific nature of the impact of public and private institutional policies.

- o The Impact of Discrimination

  Many families are exposed to discrimination. This affects individual family members as well as the family unit as a whole.

- o Families with Special Needs

  Certain families have special needs and these needs often produce unique strengths. The needs of families with handicapped members, single-parent families, elderly families and many other families with special needs will be addressed during the Conference.